

**COMPARISON OF KEY PROVISIONS:
IDEA '97 AND THE 2004 IDEA AMENDMENTS**

IDEA '97 (P.L. 105-17)	IDEA '04 (P.L. 108-446)
Part A: General Provisions	Part A: General Provisions
<p><i>Sec. 602. Definitions: "Highly Qualified" – No comparable language in IDEA '97.</i></p>	<p><i>Sec. 602(10). Definitions: "Highly Qualified":</i></p> <p>1. Requirements for All Special Education Teachers:</p> <ul style="list-style-type: none"> a. Are under NCLB definition (Sec. 9101); <i>PLUS</i> b. Have State special education certification OR passed State licensing exam AND have license to teach special education; c. Certification or licensure has not been waived on emergency, temporary, or provisional basis; AND d. Have at least a bachelor's degree. <p>2. Special Ed Teachers Teaching to Alternate Achievement Standards: If teaching core academic subjects* <i>only</i> to children assessed against alternate standards, as established under NCLB regulations, must meet EITHER</p> <ul style="list-style-type: none"> a. NCLB Highly Qualified requirements for any teacher new or not new to the profession, OR, b. NCLB requirements for elementary teachers or middle or HS teachers with subject knowledge appropriate to level of instruction. <p>3. Special Ed Teachers Teaching Multiple Subjects: If teaching 2 or more core academic subjects <i>only</i> to children with disabilities,</p> <ul style="list-style-type: none"> a. Must EITHER meet NCLB HQ requirements for any teacher new or not new to the profession; OR b. If not a new teacher, show competence in all subjects taught, which may include "high objective uniform State standard of evaluation (HOUSSE) covering multiple subjects; OR c. If new teacher highly qualified in math, language arts, or science, show competence in other core subjects taught, which may include HOUSSE, <i>not later than 2 years after being hired.</i> <p>4. A complaint may not be brought based on this section on behalf of a student or a class of students for the failure of an SEA or LEA employee to be highly qualified.</p> <p>5. If highly qualified under IDEA, highly qualified for purposes of NCLB.</p>

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	* “Core Academic Subjects”: English, reading/language arts, math, science, foreign languages, civics/government, economics, arts, history, and geography.
<i>Sec. 602. Definitions – No comparable language in IDEA '97.</i>	<i>Sec. 602. Definitions:</i> Adds definitions for “Homeless Children,” “Limited English Proficient,” “Wards of the State,” and “Universal Design.”
<i>Sec. 602(19). Definitions: “Parent”</i> – includes legal guardians and surrogate parents.	<i>Sec. 602(23). Definitions: “Parent”</i> – Adds “natural, adoptive, or foster parent”; guardian (but not the State if a ward); or person acting for natural or adoptive parent with whom the child lives or is legally responsible.
<i>Sec. 602(22). Definitions: “Related Services”</i> – transportation, and developmental, corrective, and supportive services needed for child to benefit from special education.	<i>Sec. 602(26). Definitions: “Related Services”</i> – Adds “school nurse services” and “interpreting services” to the previous list of possible services.
<i>Sec. 602(30). Definitions: “Transition Services”</i> – services designed to promote movement from school to post-school activities based on students’ needs and taking into account preferences and interests.	<i>Sec. 602(34). Definitions: “Transition Services”</i> – Adds that services must focus on improving academic & functional achievement and that student’s strengths must also be taken into account.
<i>Sec. 607. Requirements for Prescribing Regulations.</i> Public shall have at least 90 days to comment. No regulations may be implemented that procedurally or substantively lessen protections under the law.	<i>Sec. 607. Requirements for Prescribing Regulations.</i> Public comment period reduced to not less than 75 days. Regulations limited only to those needed to ensure compliance with legal requirements.
<i>Sec. 608. State Administration – No comparable language in IDEA '97.</i>	<i>608. State Administration.</i> States must notify LEAs and Secretary of State rules, regulations, or policies not required by federal law/regulation. States must minimize rules, regulations, or policies, and those issued must be designed to enable students to meet academic achievement standards.
<i>Sec. 609. Paperwork Reduction – No comparable language in IDEA '97.</i>	<i>Sec. 609. Paperwork Reduction.</i> Pilot program granting waivers of Part B requirements to 15 States for not more than 4 years, to reduce paperwork and non-instructional time. May not waive civil rights or procedural safeguards, or affect child’s right to FAPE. Annual report to Congress will describe effectiveness of waivers, including recommendations for broader implementation of waivers.
Part B: Assistance for Education of All Children with Disabilities	Part B: Assistance for Education of All Children with Disabilities
<i>Sec. 611. Local Educational Agency Risk Pool – No comparable language in IDEA '97.</i>	<i>Sec. 611(e)(3). Local Educational Agency Risk Pool.</i> State may reserve annually 10% of reserve funds for high cost fund. 1. State must develop plan that a. defines “high need child with a disability,” addresses impact on LEAs’ budgets, and ensures cost per child is at least 3 times the State’s average per pupil expenditure; b. establishes LEA eligibility criteria, accounting for number/ percentage of high need children served;

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	<p>c. develops mechanism and schedule for annual distribution of funds.</p> <p>2. Costs for high need child are only those spent to provide direct special education and related services. Funds may not be used for legal fees or for costs otherwise paid by Medicaid.</p> <p>3. Provision does not limit or condition right to FAPE or authorize SEA/LEA to limit amount spent on a child's education.</p> <p>4. States may use existing pools if program meets State's eligibility criteria.</p>
<p>Sec. 611. Flexibility in Using Funds for Part C – No comparable language in IDEA '97.</p>	<p>Sec. 611(e)(7). Flexibility in Using Funds for Part C. States eligible for IDEA preschool grants may develop policy, with Part C lead agency, to provide Part C services to children previously served in that program who are eligible for preschool services until those children are ready to enter kindergarten or elementary, as appropriate. States do not have to provide FAPE to children remaining under Part C. (Sec. 612(a)(1)(C))</p>
<p>Sec. 612(a)(3). Child Find. States required to identify, locate, and evaluate children, including private school students, in need of special education and related services. Law does not require classification by disability.</p>	<p>Sec. 612(a)(3). Child Find. Adds “homeless children” and “wards of the State” to those who must be identified, located, and evaluated.</p>
<p>Sec. 612(a)(10). Children in Private Schools. Children enrolled by their parents in private schools are eligible for special education and related services. Amount spent for those services shall be equal to a proportionate amount of federal funds available under Part B. Services may be provided on premises of private (and parochial) schools. LEA is not required to reimburse costs of unilateral placement, unless court or hearing officer determines that LEA did not provide FAPE.</p>	<p>Sec. 612(a)(10). Children in Private Schools. Additions include:</p> <ol style="list-style-type: none"> 1. State and local funds may supplement, but not supplant, proportionate amount of federal funds that must be spent. 2. LEA must report to State the number of children evaluated, determined eligible, and served under this provision. 3. Child find process must ensure equitable participation of parentally placed private school children and an accurate count of those children. 4. Child find and evaluation costs may not be counted in determining whether LEA has met its obligation under this provision. 5. LEA must consult with representatives of private school and parents on child find and equitable participation, determination of proportionate amount of federal funds, how, when, and by whom services will be provided, and how LEA will provide written explanation of why it chooses not to provide services to a child. 6. Private school may submit State complaint alleging LEA did not engage in meaningful consultation or consider private school's views.
<p>Sec. 612(a)(13). Comprehensive System of Personnel Development. State was required to have a system to ensure an adequate supply of qualified special and regular education teachers and related services personnel to meet the State's needs.</p>	<p>Comprehensive System of Personnel Development was eliminated.</p>
<p>Sec. 612(a)(15). Personnel Standards.</p> <ol style="list-style-type: none"> 1. State must establish and maintain standards to ensure that personnel are appropriately and adequately prepared and trained. Standards must be 	<p>Sec. 612(a)(14). Personnel Qualifications.</p> <ol style="list-style-type: none"> 1. The “highest requirement” language has been eliminated. 2. Qualifications for related services personnel must ensure they meet any

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<p>consistent with any State-approved or recognized certification/licensure or other comparable requirements.</p> <p>2. To the extent standards are not based on highest State requirements applicable to specific profession or discipline, State is taking steps to retrain or hire personnel that meet the highest requirements.</p> <p>3. Standards allow appropriately trained and supervised paraprofessionals and assistants to assist in provision of services.</p> <p>4. States may require LEAs to make good faith efforts to recruit and hire appropriately and adequately trained personnel, including where there are shortages, individuals who will meet the highest standard within 3 years.</p>	<p>State-approved or State-recognized certification, licensure, registration, or other comparable requirements. Licensure or certification cannot be waived on emergency, temporary, or provisional basis.</p> <p>3. Special education teachers must be highly qualified by the NCLB deadline (not later than the end of the 2005-06 school year).</p> <p>4. Eliminated 3-year waiver to meet highest standard. State must have policy requiring LEAs to take “measurable steps to recruit, hire, train, and retain highly qualified personnel.”</p> <p>5. Doesn’t create a right of action for personnel’s failure to be highly qualified, but parents may file a State complaint about staff qualifications.</p>
<p>Sec. 612(a)(16). Performance Goals and Indicators. State must establish performance goals consistent with standards for non-disabled students. Performance indicators assess progress toward goals that, at a minimum, address performance on assessments and drop-out and graduation rates.</p>	<p>Sec. 612(a)(15). Performance Goals and Indicators. Additions include:</p> <p>1. Goals are same as State’s definition of adequate yearly progress, including objectives for progress by children with disabilities under NCLB.</p> <p>2. State reports annually on progress toward meeting goals.</p>
<p>Sec. 612(a)(17). Participation in Assessments. Children with disabilities included in general State- and district-wide assessments, with appropriate accommodations.</p> <p>1. State or LEA develops guidelines for participation and develops and conducts alternate assessments.</p> <p>2. State reports, with the same frequency as for non-disabled students, on the number of children taking and performance on regular and alternate assessments.</p>	<p>Sec. 612(a)(16) Participation in Assessments. Additions include:</p> <p>1. “All” children with disabilities participate in “all” assessments, with accommodations, and in alternate assessments where indicated on the IEP.</p> <p>2. SEA and LEA must develop and implement guidelines for assessment of students</p> <p>a. Using alternate assessments aligned with regular academic content and achievement standards; and,</p> <p>b. If the State has adopted alternate achievement standards, using alternate assessments based on alternate achievement standards for students taught to those standards.</p> <p>3. The SEA, or, for district assessments, the LEA reports to the public on</p> <p>a. The number of students taking regular assessments with accommodations</p> <p>b. The number of students taking alternate assessments based on alternate standards.</p> <p>c. The performance of students with disabilities on regular and alternate assessments compared with the achievement of all students, including students with disabilities, on those assessments.</p> <p>4. To the extent feasible, must use universal design principles in developing and administering any assessments.</p>
<p>Sec. 612(a)(21). State Advisory Panel. State establishes advisory panel to provide policy guidance and advise on unmet needs, evaluations, data reporting, and coordinating services.</p>	<p>Sec. 612(a)(21). State Advisory Panel. Adds new members: official responsible for McKinney-Vento Homeless Assistance Act and representative of child welfare agency responsible for foster care.</p>

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Sec. 612. Access to Instructional Materials – No comparable language in IDEA '97.	Sec. 612(a)(23). Access to Instructional Materials. 1. States shall adopt National Instructional Materials Accessibility Standard (NIMAS) to provide instructional materials to blind persons or those with print disabilities. 2. Not required to coordinate with the National Instructional Materials Access Center (NIMAC), but must assure that materials will be provided in a timely manner. 3. If State coordinates with NIMAC, within 2 years of passage of law, must contract with publishers to provide electronic files of print instructional material using NIMAS or buy materials in specialized formats.
Sec. 612. Overidentification and Disproportionality – No comparable language in IDEA '97.	Sec. 612(a)(24). Overidentification and Disproportionality. State adopts policies and procedures designed to prevent inappropriate identification or disproportionate representation by race and ethnicity.
Sec. 612. Prohibition on Mandatory Medication – No comparable language in IDEA '97.	Sec. 612(a)(25). Prohibition on Mandatory Medication. 1. State shall prohibit SEA/LEA from requiring child to get prescription for medications (under Controlled Substances Act) as condition of school attendance or receiving evaluation or services. 2. Does not prohibit school personnel from consulting or sharing classroom observations with parents on academic and functional performance, behavior, or need for evaluation for special education and related services.
Sec. 613(a)(2)(C). Treatment of Federal Funds in Certain Fiscal Years. In any year where federal appropriation for Part B exceeds \$4.1 billion, LEA may treat as local funds up to 20% of funds it receives that exceeds the amount received in the previous fiscal year.	Sec. 613(a)(2)(C). Adjustment to Local Fiscal Effort in Certain Fiscal Years. 1. In year where LEA's allocation exceeds previous year's amount, LEA may reduce expenditures by not more than 50% of amount of excess. 2. If LEA chooses to reduce level of expenditure, LEA must use amount equal to the reduction for activities authorized under NCLB. 3. Funds on "early intervening" (see below) shall count toward maximum amount by which the LEA may reduce expenditures.
Sec. 613. Purchase of Instructional Materials – No comparable language in IDEA '97.	Sec. 613(a)(6). Purchase of Instructional Materials. Within 2 years of enactment of law, LEA opting to coordinate with NIMAC must purchase materials in same manner as State under Sec. 612(a)(23) (see above).
Sec. 613. Records Regarding Migratory Children with Disabilities – No comparable language in IDEA '97.	Sec. 613(a)(9). Records Regarding Migratory Children with Disabilities. LEA works with Secretary to provide electronic exchange of health and education records on migratory children among States.
Sec. 613(f). Coordinated Services System. LEAs could use up to 5% of federal funds annually, combined with other funds, to implement a coordinated services system to improve results for all children, including	Coordinated Services System was eliminated.

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<p>children with disabilities. Activities allowed under this provision include developing strategies that promote accountability for results, service coordination and case management, developing interagency financing strategies, and interagency personnel development for personnel working on coordinated services.</p>	
<p>Sec. 613. Early Intervening Services – No comparable language in IDEA '97.</p>	<p>Sec. 613(f). Early Intervening Services. 1. LEA may use up to 15% of federal funds annually, combined with other funds, for coordinated early intervening services for students K-12 (focusing on K-3) not identified as needing special education & related services, but who need extra academic and behavioral support in general education. 2. Provision neither limits nor creates a right to FAPE. 3. Activities may include professional development on scientifically based instruction and providing educational and behavioral evaluations, services, and supports. 3. LEA reports annually on number of students served and number who subsequently receive special education and related services. 4. Funds may be used for services aligned with NCLB, if funds are used to supplement and not supplant NCLB funds.</p>
<p>Sec. 613(g). School-Based Improvement Plan. LEAs could use federal funds to permit schools to implement school-based improvement plans to improve educational and transitional results for children with and without disabilities, in accordance with Sec. 613(a)(4) (Services and Aids that Also Benefit Non-Disabled Children).</p>	<p>School-Based Improvement Plan was eliminated.</p>
<p>Sec. 613. State Agency Flexibility – No comparable language in IDEA '97.</p>	<p>Sec. 613(j). State Agency Flexibility. 1. In year where State's Part B allotment exceeds previous year, and if State in school year 2003-04 or any subsequent school year pays or reimburses all LEAs 100% of non-federal share of special education & related services, SEA may reduce level of expenditures from State sources by not more than 50% of the amount of excess. 2. If State cannot meet requirements of law and needs assistance under Sec. 616 (see below), State prohibited from using this authority. 3. If State uses this authority, shall use funds from State sources in an amount equal to the reduction to support NCLB-authorized activities or to support need-based or teacher higher education programs.</p>
<p>Sec. 614(a). Initial Evaluation and Reevaluation. 1. <u>Initial Evaluation:</u> a. SEA or LEA shall conduct initial evaluation to determine eligibility for services and educational needs. b. LEA must obtain parent's informed consent before conducting</p>	<p>Sec. 614(a)(1)(B). Request for Initial Evaluation. Changes include: 1. Parent or SEA, other state agency, or LEA may request initial evaluation. 2. Eligibility determination must be made within 60 days of consent for evaluation, or, if State has timeframe for evaluation, within that timeframe. 3. The 60-day timeline does not apply if</p>

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<p>evaluation, and consent shall not be construed as consent for placement.</p> <p>c. If parents refuse consent, LEA may pursue evaluation through mediation and due process procedures.</p> <p>2. <u>Reevaluation</u>:</p> <p>a. LEA shall conduct reevaluation if conditions warrant or if parents or child's teacher requests, but at least once every 3 years.</p> <p>b. Parents' informed consent should be secured prior to reevaluation; however, not necessary if LEA can demonstrate that reasonable measures were taken to obtain consent and parent didn't respond.</p>	<p>a. A child enrolls in a school after the relevant timeframe and prior to a determination by the child's previous LEA as to whether the child is a child with a disability, but only if the new LEA is making sufficient progress to ensure prompt completion of evaluation, and the parent and the new LEA agree to a specific time when the evaluation will be completed; OR,</p> <p>b. Parent repeatedly fails or refuses to produce the child for evaluation.</p> <p>4. Parental Consent:</p> <p>a. SEA/LEA shall seek to obtain parents' informed consent before providing special education & related services.</p> <p>b. If parents refuse consent to services, LEA shall not provide services by using the due process procedures.</p> <p>c. LEA not in violation of requirement to provide FAPE if parents refuse to consent or respond to request for consent and shall not be required to hold IEP meeting or develop IEP.</p> <p>5. Consent for Wards of State:</p> <p>a. If child is ward of the State and not living with parents, SEA/LEA shall try to get parent's informed consent for initial evaluation.</p> <p>b. SEA/LEA not required to get parent's informed consent for initial evaluation if, despite reasonable efforts, cannot find parent, parent's rights have been terminated, or rights to make educational decisions assigned by court to another individual.</p> <p>6. Screening of student to determine instructional strategies not considered evaluation for eligibility for special education and related services.</p> <p>7. <u>Reevaluation</u>:</p> <p>a. Reevaluation required if LEA determines educational or related needs, including improved academic and functional performance, warrants.</p> <p>b. Not more than once a year, unless parent and LEA agree otherwise, but at least once every 3 years, unless parent and LEA agree otherwise.</p>
<p>Sec. 614(b). Evaluation Procedures.</p> <p>1. LEA provides notice to parents describing evaluation procedures to be conducted.</p> <p>2. LEA uses variety of assessment tools, including information provided by parents; shall not use any single procedure to make eligibility determination; and, uses technically sound instruments to assess cognitive, behavioral, physical, and developmental factors.</p> <p>3. Other requirements:</p> <p>a. Evaluation materials used are not racially or culturally discriminatory.</p> <p>b. Tests administered in native language or other mode of communication, unless not feasible to do so.</p>	<p>Sec. 614(b). Evaluation Procedures. Additions and changes include: [NOTE: As stated above in <i>Sec. 614(a)(1)(B), Request for Initial Evaluation</i>, the law now allows parents or SEA, other state agency, or LEA to request an evaluation.]</p> <p>1. Assessments provided and administered in "language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally..."</p> <p>2. Assessments of child who transfers to another school district during school year are coordinated between prior and subsequent schools.</p> <p>3. Child not determined "child with a disability" if determining factor is "lack of appropriate instruction in reading, including in the essential</p>

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<p>c. Child assessed in all areas of suspected disability. d. Assessments must provide information to determine educational needs. 4. Team of qualified professionals and parents determine eligibility. 5. Eligibility cannot be determined based on lack of reading/math instruction or limited English proficiency. 6. If IEP team determines no additional data needed to determine continued eligibility, LEA notifies parents of that determination and of parents' right to request assessment, but shall not be required to conduct assessment unless parents request. 7. LEA shall evaluate child before determining that child is no longer child with a disability.</p>	<p>components of reading instruction" (as defined in NCLB, Sec. 1208(3)). 4. <u>Specific Learning Disabilities (SLD)</u>: a. When determining whether child has SLD, "LEA shall not be required to take into consideration whether child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning." b. In making SLD determination, LEA may use "process that determines if the child responds to scientific, research-based intervention" as a part of the regular special education evaluation procedures (Sec. 614(b)(2), (3)). 5. <u>Evaluation before change in eligibility</u>: a. Evaluation not required before termination of eligibility due to graduation with regular diploma or exceeding State required age for FAPE. b. If eligibility ends due to graduation with regular diploma or aging out, LEA provides summary of academic achievement and functional performance, including recommendations on how to assist child in meeting postsecondary goals.</p>
<p>Sec. 614(d)(1)(A). Individualized Education Programs. IEP is written statement noting present levels of educational performance, ability to participate in general education curriculum, what special education and related services are needed, whether student will participate in regular assessments, and transition needs. IEP also includes measurable annual goals, including benchmarks or short-term objectives related to meeting the child's needs.</p>	<p>Sec. 614(d)(1)(A). Individualized Education Programs. Deleted: a. "Benchmarks or short-term objectives," except for children taking alternate assessments aligned to alternate achievement standards. b. Transition requirement at age 14. IEP must now include statement, included not later than first IEP when child reaches 16 and updated annually, of "appropriate measurable postsecondary goals based on age appropriate transition assessments related to training, education, employment, and where appropriate, independent skills." Will also include transition services, including courses, needed to assist in reaching goals.</p>
<p>Sec. 614(d). IEP Team Attendance; IEP Team Transition; Meetings – No comparable language in IDEA '97.</p>	<p>Sec. 614(d)(1)(C), (D); 614(3)(D)-(F). IEP Team Attendance, IEP Team Transition; Meetings. 1. <u>IEP team attendance</u>: a. Member not required to attend meeting if parent and LEA agree that attendance not necessary because curriculum area or related service not being discussed. b. Member may be excused from attendance when curriculum area or related service being discussed if parent and LEA consent and member gives written input to parent and team before meeting. c. Parent's agreement and consent under these sections must be in writing. 2. <u>IEP team transition</u>: For child previously served under Part C, at parent's request Part C service coordinator or other representatives shall be invited to</p>

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	<p>initial IEP meeting to assist in smooth transition of services.</p> <p>3. <u>Meetings</u>:</p> <p>a. Parents and LEA may agree not to convene IEP meeting to make changes needed after annual IEP meeting, but instead may develop written document to amend or modify current IEP.</p> <p>b. LEA shall encourage consolidation of reevaluation and other IEP team meetings.</p> <p>c. IEP changes may be made either by entire team or by amending instead of redrafting entire IEP. Parents may request revised copy of IEP.</p> <p>d. Parents and LEA may agree to use alternative means of meeting participation, e.g., video conferences or conference calls.</p>
<p><i>Sec. 614(d). Program for Children who Transfer School Districts – No comparable language in IDEA '97.</i></p>	<p><i>Sec. 614(d)(2)(C). Program for Children who Transfer School Districts.</i></p> <p>1. <u>Transfer within same State</u>: If child transfers to another LEA within State during the school year, new LEA shall provide FAPE, in consultation with parents until adopts previous IEP or develops and implements new IEP.</p> <p>2. <u>Transfer outside State</u>: If child transfers to school in another state during school year, new LEA shall provide FAPE, in consultation with parents until new LEA conducts evaluation, if deemed necessary, and develops new IEP.</p> <p>3. <u>Transmittal of Records</u>: New school shall take reasonable steps to promptly get records, and previous school shall take reasonable steps to respond promptly to such request.</p>
<p><i>Sec. 614(d). Multi-Year IEP Demonstration – No comparable language in IDEA '97.</i></p>	<p><i>Sec. 614(d)(5). Multi-Year IEP Demonstration.</i></p> <p>1. Pilot program for up to 15 States on optional multi-year IEP. Secretary reports to Congress within 2 years on pilot's effectiveness and provides any recommendations for broader implementation.</p> <p>2. Parent option and must have parents' informed consent before multi-year IEP developed.</p> <p>3. IEP may not exceed 3 years and must include (a) measurable goals enabling child to make progress in general education curriculum and meet other needs coinciding natural transition points (preschool to elem.; elem. to middle; middle to secondary; secondary to postsecondary, but in no case longer than 3 years); and, (b) measurable annual goals to determine progress toward meeting curriculum goals.</p> <p>4. Must also include process for review and revision of IEP, including</p> <p>a. Review at natural transition points;</p> <p>b. In years other than natural transition points, annual review to determine current levels of progress and whether goals are being met, and requirement to amend IEP, as appropriate, to allow continued progress toward goals;</p> <p>c. If determine that child isn't making sufficient progress, requirement for</p>

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	<p>more thorough review of IEP within 30 days; and,</p> <p>d. At parents' request, requirement for review of IEP rather than or subsequent to an annual review.</p>
<p>Sec. 615(b). Procedural Safeguards – Types of Procedures.</p> <ol style="list-style-type: none"> 1. Opportunity to examine all records and to participate in meetings regarding identification, evaluation, and placement, and provision of FAPE, and to have an independent evaluation; 2. Protection of child's rights when agency, after reasonable efforts, cannot locate parents; 3. Written prior notice to parents when agency proposes to initiate or change or refuses to initiate or change identification, evaluation, or placement, or provision of FAPE; 4. Assurance that written prior notice fully informs parents, in native language unless not feasible, of all safeguards; 5. Opportunity to present complaints; 6. Opportunity for mediation; 7. Provision of notice to SEA/LEA by parents or their attorney which includes (a) child's name, address, and school, (b) description of and facts related to problem, and (c) proposed resolution of problem; and, 8. SEA to develop model form to assist parents in filing complaints. 	<p>Sec. 615(b). Types of Procedures. Changes and additions include:</p> <ol style="list-style-type: none"> 1. Regarding surrogates to make educational decisions, <ol style="list-style-type: none"> a. In case of ward of the State, judge overseeing child's care may appoint. b. LEA appoints for unaccompanied homeless youth. c. State shall make reasonable efforts to ensure appointment of surrogate within 30 days after determination of need. 2. "Any party" may present complaint alleging violation that occurred not more than 2 years before party knew or should have known of alleged violation. If State already has time line for presenting complaints, may use that time line. 3. State establishes procedures requiring either party or party's attorney to provide <u>due process complaint notice</u> (Sec. 615(c)(2)) to the other party and forward copy of notice to SEA. Notice must include (a) child's name, address, and school; (b) for homeless child, available contact information and school; (c) description of and facts related to problem; and (d) proposed resolution. May not have due process hearing until the party or party's attorney files due process complaint notice. 4. State must develop model due process complaint notice.
<p>Sec. 615(c), (d). Content of Prior Written Notice; Procedural Safeguards Notice.</p> <ol style="list-style-type: none"> 1. <u>Prior written notice</u> must include (a) action proposed or refused by agency; (b) why agency proposed or refused to take action; (c) other actions considered and why rejected; and (d) other relevant factors. Must also state that parents have protections and how copy of safeguards can be obtained, as well as sources of assistance in understanding protections. 2. <u>Procedural Safeguards Notice</u>: <ol style="list-style-type: none"> a. Must be given to parents at least at initial referral for evaluation, at each IEP meeting notification and at reevaluation, and when complaints are filed. b. Notice must include full explanation of procedural safeguards, written in native language if feasible, and in easily understandable manner. c. Notice covers regulations related to independent evaluation; prior written notice; parental consent; access to educational records; opportunity to present complaints; child's placement during due process proceedings; procedures for child in interim alternative educational setting; requirements for unilateral placement by parents in private school at public expense; mediation; due process hearings; appeals; civil actions; and, attorneys' fees. 	<p>Sec. 615(c), (d). Notification Requirements; Procedural Safeguards Notice.</p> <ol style="list-style-type: none"> 1. No changes in Prior Written Notice requirements. 2. <u>Due Process Complaint Notice</u>: New notice requirement. <ol style="list-style-type: none"> a. Notice deemed sufficient unless receiving party notifies hearing officer (within 15 days of receiving complaint) and the other party in writing that receiving party believes notice hasn't met requirements. <ol style="list-style-type: none"> (1) Within 5 days of receipt of notification, hearing officer must make determination whether notice meets requirements. (2) Party may amend complaint notice only if (a) other party gives written consent and has opportunity to resolve complaint through "resolution session" (see below); or (b) hearing officer grants permission, but must be no later than 5 days before due process hearing occurs. b. <u>LEA response to complaint</u>: <ol style="list-style-type: none"> (1) If LEA hasn't sent prior written notice to parents on subject in the complaint notice, LEA must, within 10 days of receiving complaint, send response to parent that includes (a) why agency proposed or refused to take action raised in complaint; (b) other options considered and why rejected;

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	<p>each evaluation procedure, assessment, record or record used by agency as basis for action; and (c) other relevant factors.</p> <p>(2) LEA's response does not preclude agency from asserting that parent's due process complaint notice was insufficient.</p> <p>c. <u>Other party response</u>: Non-complaining party must, within 10 days of receiving complaint, send response that specifically addresses issues raised.</p> <p>d. Parents are not precluded from filing separate due process complaint on issue separate from complaint already filed.</p> <p>3. <u>Procedural Safeguards Notice</u>:</p> <p>a. Notice given to parents only once a year, except that also given (1) at initial referral or parental request for evaluation; (2) at first filing of a complaint; and, (3) at parent's request.</p> <p>b. LEA may put notice on website.</p> <p>c. Notice requirements same as IDEA '97, except that must include regulations related to time line for filing and agency's opportunity to resolve complaints and time line for filing civil actions.</p> <p>4. Parents may opt to receive notices by email, if option is available.</p>
<p>Sec. 615(e). Mediation. Voluntary alternative dispute resolution mechanism, conducted by qualified impartial mediator, resulting in written agreement. Discussions confidential and may not be used in subsequent hearings or civil proceedings.</p>	<p>Sec. 615(e). Mediation. Procedure same, with following addition: If resolution reached through mediation, parties shall execute a "legally binding agreement" signed by parent and authorized agency representative. Agreement is enforceable in State or U.S. district court.</p>
<p>Sec. 615(f). Impartial Due Process Hearings.</p> <ol style="list-style-type: none"> 1. Whenever complaint is received, parents shall have opportunity for hearing. 2. Employees of SEA/LEA involved in child's education shall not conduct hearing. 3. At least 5 business days before hearing, each party must disclose all evaluations and recommendations each intends to use at hearing. Failure to disclose may result in bar to introduction at hearing without other's consent. 	<p>Sec. 615(f). Impartial Due Process Hearing. New additions include:</p> <ol style="list-style-type: none"> 1. <u>Resolution Session</u>: Before opportunity for hearing and within 15 days of receiving complaint notice, LEA shall convene meeting with parents and relevant IEP team members with specific knowledge of facts of complaint where parents discuss complaint and LEA has opportunity to resolve. <ol style="list-style-type: none"> a. Parties may agree in writing to waive meeting or to use mediation process. b. Must include agency representative with decision-making authority; and, may not include LEA's attorney, unless parent brings attorney. c. If complaint not resolved to parents' satisfaction within 30 days of receipt of complaint, hearing may occur and timelines for hearing begin. d. If resolution reached, parties execute legally binding agreement signed by parent and authorized agency representative, enforceable in State or U.S. district court. Either party may void agreement within 3 business days of agreement's execution. 2. <u>Limitations on Hearing</u>: <ol style="list-style-type: none"> a. Hearing officer shall (1) not be employee of SEA/LEA involved in education or care of child; (2) have professional interest compromising

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	<p>objectivity; (3) have knowledge and understanding of law/regulations and legal interpretations; and (3) ability to conduct hearings under standard legal practice.</p> <p>b. Party requesting hearing not allowed to raise issues at hearing not previously raised in due process complaint notice.</p> <p>c. Parent or agency shall request hearing within 2 years of date party “knew or should have known about the alleged action.”</p> <p>(1) If State has time limitation for requesting hearing, that time line is used.</p> <p>(2) Time line doesn't apply to parent if parent was prevented from requesting hearing due to (a) misrepresentations by LEA that it had resolved problem in complaint; or (b) LEA's withholding required information.</p> <p>d. Hearing officer decision:</p> <p>(1) Made on substantive grounds based on whether child received FAPE.</p> <p>(2) If procedural violations alleged, hearing officer may find child didn't receive FAPE only if procedural “inadequacies” (a) impeded right to FAPE; (b) “significantly impeded” parents' opportunity to participate in decision-making process about FAPE; or, (c) deprived child of educational benefits.</p> <p>(3) Hearing officer not precluded from ordering LEA to comply with procedural requirements.</p> <p>(4) Parents' right to file complaint with SEA not affected by this section.</p>
<p>Sec. 615(i). Administrative Procedures.</p> <p>1. Any party shall have right to bring civil action on the decision of hearing officer or if party doesn't have right of administrative appeal.</p> <p>2. Court, in its discretion, may award reasonable attorneys' fees to parents who are prevailing party.</p>	<p>Sec. 615(i). Administrative Procedures.</p> <p>1. <u>Civil Action</u>: Party bringing civil action shall have 90 days from date of hearing decision to bring action, or, if State has time line, shall follow that.</p> <p>2. <u>Attorneys' Fees</u>:</p> <p>a. In addition to award of fees to parents, court may award fees to</p> <p>(1) Prevailing SEA/LEA against parents' attorney (a) who files complaint or other cause of action that is frivolous, unreasonable, or without foundation; or, (b) who continues to litigate after action clearly became frivolous, unreasonable, or without foundation.</p> <p>(2) Prevailing SEA/LEA against parents' attorney or against parent if complaint or subsequent cause of action presented for “any improper purpose,” e.g., to harass, cause unnecessary delay or needlessly increase cost of litigation.</p> <p>b. Attorneys' fees not available for pre-hearing “resolution session.”</p> <p>c. Fees may be reduced if parent <i>or parents' attorney</i> unreasonably protracted final resolution of controversy.</p>
<p>Sec. 615(k). Placement in Alternative Educational Setting.</p> <p>1. School personnel may order change in placement to appropriate interim alternative educational setting (IAES), another setting, or suspension for not</p>	<p>Sec. 615(k). Placement in Alternative Educational Setting.</p> <p>1. <u>Authority of School Personnel</u>:</p> <p>a. May consider unique circumstances on case-by-case basis when deciding</p>

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<p>more than 10 school days and to IAES for not more than 45 days for weapon or drug violations.</p> <p>2. LEA must conduct functional behavioral assessment or review existing plan not later than 10 days after disciplinary action.</p> <p>3. Hearing officer may order change in placement to IAES for not more than 45 days if decides that, in current placement, substantial likelihood of injury to child or others. Decision based on determination of appropriateness of placement, whether LEA made reasonable efforts to minimize harm, and whether IAES meets legal requirements.</p> <p>5. In IAES, child must be able to continue participation in general curriculum and receive IEP services and services to address behavior.</p> <p>6. IEP team may deem behavior not a manifestation of disability only if (a) consider all relevant information and (b) determine that placement and IEP were appropriate, disability did not impair ability to understand impact and consequences of behavior and ability to control behavior.</p> <p>a. If behavior was not manifestation of disability, child disciplined under general conduct code.</p> <p>b. If parents disagree with determination, may request and will receive expedited hearing.</p> <p>7. For child in IAES, IAES is “stay put” during hearing for allowable time of 45 days. School personnel may decide that too dangerous to return child to original placement and may request expedited hearing to maintain child in IAES until decision is reached.</p> <p>8. Child not yet determined eligible for special education and related services who violates conduct code may assert protections of IDEA if LEA had “knowledge” that child was “child with a disability” before incident occurred.</p> <p>9. Agency may report crime to appropriate authorities and must ensure that special education and disciplinary records transmitted to authorities.</p>	<p>whether to order change in placement for violation of student conduct code.</p> <p>b. May remove child who <i>violates student conduct code</i> from current placement to interim alternative educational setting (IAES), another setting, or suspension for not more than 10 school days <i>to the extent such alternatives are applied to child without disabilities</i>.</p> <p>c. If seek to order change in placement exceeding 10 school days and behavior is <i>not</i> manifestation of disability, may use same disciplinary action applicable to non-disabled children “in the same manner and for the same duration,” although may be in IAES.</p> <p>d. <u>Continuation of Services</u>: Regardless of whether behavior is related to disability, child removed from current placement continues to receive educational services enabling progress toward IEP goals and participation in general education curriculum, and functional behavioral assessment, as appropriate, and behavioral intervention services and modifications.</p> <p>e. <u>Manifestation Determination</u>:</p> <p>(1) Except for short-term removals, within 10 school days of decision to change placement, LEA, parents, and relevant IEP team members (as determined by LEA and parents) review all relevant information to determine if conduct was (a) “caused by, or had a direct and substantial relationship to” child’s disability; or, (b) “direct result of LEA’s failure to implement the IEP.”</p> <p>(2) If either instance applies, conduct is manifestation of disability, and IEP team shall</p> <p>(a) conduct functional behavioral assessment, if not done prior to incident, and implement behavioral intervention plan or review previous plan for modification, as needed; and,</p> <p>(b) except when violations involve weapons, drugs, or serious bodily injury, return child to previous placement, unless parents and LEA agree to change in placement as part of modification of behavioral intervention plan.</p> <p>f. <u>Special Circumstances</u>: May remove child to IAES for not more than 45 days, <i>without regard to whether or not behavior is manifestation of disability</i>, for violations involving weapons, drugs, or infliction of serious bodily injury.</p> <p>2. <u>Appeal</u>:</p> <p>a. <u>Authority of Hearing Officer</u>: In making appeal decision, hearing officer may (1) return child to placement from which child was removed or (2) order change in placement to IAES for not more than 45 school days if hearing officer determines that there is a substantial likelihood of injury to the child or others if the child remains in the current placement.</p>

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	<p>b. Either parent or LEA may request appeal. SEA/LEA must arrange for expedited hearing, which must occur within 20 school days of date hearing is requested and must result in decision within 10 school days after hearing.</p> <p>3. <u>Protections for Children not yet Eligible for IDEA Services</u>: This section is basically the same as IDEA '97, with the following changes:</p> <p>a. LEA is deemed to have knowledge that child is a child with a disability if (1) parent expressed concern in writing to <i>supervisory or administrative</i> personnel or <i>a teacher of the child</i> that child needs services; or, (2) teacher or other LEA personnel expressed “specific concerns about a pattern of behavior...directly” to the special education director or other “supervisory” personnel.</p> <p>b. LEA not deemed to have knowledge if parent has not allowed an evaluation or has refused services or child has been evaluated and was determined not to be eligible.</p>
<p><i>Sec. 616. Monitoring, Technical Assistance, and Enforcement – No comparable language in IDEA '97.</i></p>	<p><i>Sec. 616. Monitoring, Technical Assistance, and Enforcement.</i></p> <p>1. <u>Federal and State Monitoring</u>:</p> <p>a. Secretary shall (1) monitor implementation of law through oversight of general supervisory responsibility and State performance plan (see below), and (2) require States to monitor and enforce LEAs’ implementation.</p> <p>b. Primary focus of monitoring: improving “educational results and functional outcomes.”</p> <p>c. Using quantifiable indicators and qualitative indicators as needed, Secretary and States will monitor on priority areas of (1) provision of FAPE in LRE, (2) State’s general supervisory authority, and (3) disproportionate representation of ethnic and racial minorities resulting in inappropriate identification.</p> <p>2. <u>State Performance Plans</u>: Within year after enactment, States must have performance plan that evaluates efforts to implement law and describes how implementation will be improved. Plan approved by Secretary and reviewed by State at least once every 6 years. Plan deemed approved unless State notified otherwise and provided notice and opportunity for hearing, and State provides additional information on provisions not meeting requirements.</p> <p>a. State establishes “measurable and rigorous targets” for indicators under priority areas (see above) and collects data and reports on priority areas.</p> <p>b. States uses targets to analyze and report annually to public on LEAs’ performance, and report annually to Secretary on State’s performance.</p> <p>c. Secretary annually reviews performance plan and determines if State meets law’s requirements or needs assistance, intervention, or substantial</p>

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	<p>intervention to implement law.</p> <p>3. <u>Enforcement</u>:</p> <p>a. <u>“Needs Assistance”</u> - If, for 2 consecutive years, Secretary determines State needs assistance in implementing law, shall do one or more of the following: (1) advise State of technical assistance sources, (2) direct use of State-level funds to where assistance is needed, (3) identify State as high-risk grantee and impose conditions on grant.</p> <p>b. <u>“Needs Intervention”</u> - If, for 3 or more consecutive years, Secretary determines that State needs intervention, may take any of the actions described under “Needs Assistance” and shall do one or more of the following: (1) require corrective action or improvement plan if problem can be corrected within 1 year, (2) require compliance agreement if not correctable within 1 year, (3) for each year of determination, withhold not less than 20% or more than 50% of State’s funds until problems corrected, (4) seek to recover funds, (5) withhold some or all of payments, (6) refer for appropriate enforcement, including to Dept. of Justice.</p> <p>c. <u>“Needs Substantial Intervention”</u> – Secretary shall do one or more of the following: (1) recover funds, (2) withhold some or all of payments, (3) refer to U.S. Dept. of Education Inspector General, (4) refer for appropriate enforcement, including to Dept. of Justice.</p> <p>d. <u>Opportunity for Hearing</u>: Before withholding funds, Secretary must provide notice and opportunity for hearing. Pending outcome of hearing, payments and/or authority to obligate funds may be suspended.</p> <p>e. Secretary reports to Congress within 30 days of taking action on specific action taken and reasons.</p> <p>4. <u>State Enforcement</u>: If State determines that LEA not meeting law’s requirements, State shall prohibit LEA from reducing maintenance of effort (see above, Sec. 613) for any fiscal year.</p> <p>5. <u>Data Capacity</u>: Secretary shall review States’ data collection and analysis capacity and provide technical assistance as needed to improve capacity.</p>
<p>Sec. 617. Administration. Secretary shall</p> <ol style="list-style-type: none"> 1. Provide technical assistance to States to implement law. 2. Issue regulations only to extent necessary to ensure compliance. 3. Assure confidentiality of personally identifiable information. 	<p>Sec. 617. Administration. Additions include:</p> <ol style="list-style-type: none"> 1. Federal government cannot “mandate, direct, or control” specific instructional content, academic standards and assessments, curriculum, or program of instruction of any SEA, LEA, or individual school. 2. Secretary will provide model forms for IEP, IFSP, and procedural safeguards and prior written notices.
<p>Sec. 618. Program Information. States submit data annually, by race, ethnicity, and disability on</p> <ol style="list-style-type: none"> 1. Number of infants/toddlers (race/ethnicity only) & children receiving 	<p>Sec. 618. Program Information. Data will be collected by both number and percentage and by race, ethnicity, limited English proficiency, gender, and disability categories.</p>

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<p>FAPE or early intervention services;</p> <p>2. Number participating in regular education; in separate classes, schools, or facilities, or residential facilities;</p> <p>3. Number, ages 14-21, who stopped receiving services and why, and ages birth-2 (by race/ethnicity only) who stopped early intervention services;</p> <p>4. Number removed to interim alternative educational setting and subject to long-term suspensions/expulsions and acts causing removal;</p> <p>5. Number of infants/toddlers (by race/ethnicity) at risk of substantial developmental delay and receiving early intervention services; and,</p> <p>6. Significant discrepancies in rate of long-term suspensions and expulsions among LEAs in State and compared to rates for non-disabled students.</p>	<p>1. New data collections include:</p> <p>a. Incidence and duration of disciplinary actions, including suspensions of one day or more.</p> <p>b. Comparison of students with and without disabilities removed to alternative settings or expelled.</p> <p>c. Number of (1) due process complaints filed and hearings conducted; (b) hearings requested under discipline provisions and resulting changes in placement; and, (c) mediations held and settlements reached.</p> <p>2. LEAs with policies resulting in significant disproportionality must reserve maximum amount allowed (Sec. 613(f)) for early intervening services to serve students, particularly those in groups significantly overidentified.</p>
<p>Sec. 619. Preschool Grants. Grants are provided to States under this section to serve children with disabilities, ages 3 through 5, and, at the State's discretion, 2-year-olds turning 3 during school year.</p>	<p>Sec. 619. Preschool Grants. State reserve funds may be used for two new activities:</p> <p>1. Provision of Part C services to children eligible for preschool who previously received Part C services, until kindergarten age; or,</p> <p>2. At State's discretion, to continue service coordination or case management for families receiving services under Part C.</p>
Part C: Infants and Toddlers with Disabilities	Part C: Infants and Toddlers with Disabilities
<p>Secs. 631 – 644. Grants are provided to assist states to establish and maintain a coordinated, multidisciplinary, interagency system of early intervention services for infants and toddlers with disabilities and their families.</p>	<p>Following are the changes to Part C:</p> <p>1. Sec. 635. Requirements for Statewide System:</p> <p>a. Services based, <i>to extent practicable, on scientifically based research</i> and available to infants/toddlers with disabilities, including <i>homeless children</i>.</p> <p>b. Public awareness targets parents of premature infants or those with other physical risk factors associated with learning or developmental problems.</p> <p>c. Training personnel in social/emotional development of young children.</p> <p>2. Sec. 635. Flexibility to Serve 3 Year Olds Until Elementary School.</p> <p>a. SEA and Part C lead agency may develop joint system allowing Part C children eligible for preschool services to continue in Part C until enter or eligible for kindergarten.</p> <p>b. System must ensure (1) annual notice to parents of right to receive Part B or C services, and explanation of differences, including possible costs; (2) educational component to services; (3) child can receive FAPE under Part B, if so chooses; (4) IFSP services continue while eligibility determination made; (5) informed written consent before child turns 3 for continuation of Part C services; (6) evaluation referral for Part C services for substantiated cases of trauma due to exposure to family violence.</p> <p>c. State reports on number/percentage of children eligible for preschool but continuing under Part C.</p> <p>d. State not required to provide FAPE for preschool-aged children served</p>

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	<p>under Part C.</p> <p>3. Sec. 637. State Application and Assurances. Application includes description of (a) policies requiring referral for children involved in substantiated cases of neglect/abuse or affected by substance abuse; and, (b) efforts to promote collaboration among Early Head Start, early education and child care programs, and Part C.</p> <p>4. Added Sec. 640(b) – Obligations Related to & Methods of Ensuring Services. Basically the same as Part B, Sec. 612(a)(12) establishing financial responsibility for services through interagency agreements.</p> <p>5. Sec. 641. State Interagency Coordinating Council (NOTE: Federal Council was eliminated). New SICC members include representatives of Medicaid program, education programs for homeless children, and agencies responsible for foster care and for children’s mental health.</p> <p>6. Sec. 643(3). Reservation for State Incentive Grants. In any year where appropriation for Part C exceeds \$460 million, Secretary shall reserve 15% of the increase for State grants for flexibility provisions (Sec. 635).</p>
<p>Part D: National Activities to Improve Education of Children with Disabilities</p>	<p>Part D: National Activities to Improve Education of Children with Disabilities</p>
	<p>Part D has been reorganized, although many of the same functions and activities remain. However, there are new focuses on coordinating grants with requirements under No Child Left Behind and ensuring that academic achievement of students with disabilities improves as a result of these grants. Another strong theme is the need for appropriate training for both general and special education personnel, including related services personnel and administrators, to meet the needs of students with disabilities. Several new sections in Part D are highlighted below.</p>
<p>Subpart 1. State Program Improvement Grants. Competitive grants to States to reform and improve educational, early intervention, and transition systems. Required that at least 75% of funds be used to ensure sufficient numbers of personnel.</p>	<p>Subpart 1. State Personnel Development Grants.</p> <ol style="list-style-type: none"> 1. Competitive grants awarded, for any year when appropriation for this section is less than \$100 million, with priority to States with greatest personnel shortages or that demonstrate greatest difficulty in meeting “Personnel Qualifications” requirements (Sec. 612(a)(14)). 2. In years where amount equals or exceeds \$100 million, formula grants awarded to all States. 3. Requires State Personnel Development Plan, and not less than 90% of grant must be used for professional development.
<p><i>No comparable language in IDEA '97.</i></p>	<p>Subpart 2. Sec. 664(c). Accountability for Students Held to Alternative Achievement Standards. National studies to examine criteria States use in determining eligibility for alternate assessments, validity and reliability of instruments and procedures, alignment with State content standards, and use</p>

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	and effectiveness in appropriately measuring progress and outcomes specific to individualized instructional need.
<i>No comparable language in IDEA '97.</i>	Subpart 2. Sec. 665. Interim Alternative Educational Settings, Behavioral Supports, and Systemic School Interventions. Grants to support safe learning environments that foster academic achievement by improving quality of interim settings and providing increased behavioral supports and systemic interventions. Funds support activities such as staff training on identification, prereferral and referral procedures and on positive behavioral supports and interventions and classroom management; stronger linkages between school-based and community mental health services; and use of behavioral specialists and related services personnel to implement behavioral supports. Funds may also be used to improve interim alternative educational settings through improved staff training, referrals for counseling services, increased use of instructional technology, and promoting interagency coordination of service delivery.
Subpart 2. Sec. 682. Parent Training and Information Centers. Grants to parent organizations to support centers that provide training and information to parents, particularly to underserved parents and parents of children inappropriately identified, and to assist parents to understand their rights under the law.	Subpart 3. Sec. 671. Parent Training and Information Centers. New required activities include: 1. Training for parents to enable child to meet “developmental and functional goals” and academic achievement goals and be prepared for independent living. 2. Training/information for low-income parents and parents of limited English proficient children. 3. Helping parents participate in school activities benefiting their children. 4. Helping parents understand, prepare for, and participate in “resolution sessions” (Sec. 615(f)(1)(B)).
<i>No comparable language in IDEA '97.</i>	Subpart 3. Sec. 674(e). National Instructional Materials Access Center. Secretary establishes and supports NIMAC to receive and maintain catalogue of print instructional materials prepared in National Instructional Materials Accessibility Standard, provide access to these materials, and adopt procedures to protect against copyright infringement.
Title II: National Center for Special Education Research	Title II: National Center for Special Education Research
<i>No comparable language in IDEA '97.</i>	1. Establishes the National Center for Special Education Research as part of the Institute for Education Sciences (formerly Office of Educational Research and Improvement). The Center’s mission is to sponsor research (a) to expand the knowledge base that impacts the developmental, educational, and transitional results for children with disabilities, (b) to improve services under the IDEA, and (c) to evaluate implementation and effectiveness of the law. 2. Commissioner of Special Education Research will direct the Center and

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	will propose research plan to Director of IES, developed in collaboration with Asst. Secretary for OSERS.

Key to Abbreviations:

- ◆ Secretary – U.S. Secretary of Education
- ◆ LEA – local educational agency (local school district)
- ◆ SEA – State educational agency
- ◆ NCLB – No Child Left Behind Act of 2001
- ◆ FAPE – Free appropriate public education
- ◆ IEP – individualized education program
- ◆ IFSP – individualized family service plan
- ◆ IAES – interim alternative educational setting
- ◆ OSERS – Office of Special Education & Rehabilitative Services (U.S. Dept. of Education)

EFFECTIVE DATES:

- ◆ **Parts A, B, and C, and Subpart 1 of Part D (State Personnel Development Grants) take effect on July 1, 2005.**
- ◆ **Requirements for “highly qualified” teachers (Sec. 602(10)) take effect immediately. Teachers must meet the definition by end of School Year 2005-2006.**
- ◆ **Subparts 2, 3, and 4 of Part D take effect immediately.**
- ◆ **Title II, National Center for Special Education Research, takes effect immediately, except that Sec. 177(c) (research plan) takes effect on October 1, 2005.**



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Learning Disabilities Association of America • 4156 Library Road • Pittsburgh, PA 15234-1349
 Ph (412) 341-1515 • Fax (412) 344-0224 • Email: info@LDAAmerica.org • Web: www.LDAAmerica.org